



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 449 OF 2024

Mahadev Sukhdev Mundhe

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondents

.....

Mr. A.M. Gaikwad, Advocate for applicant

Mr. R.B. Dhaware, APP for State

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 02nd MAY, 2024

ORDER :

1. Applicant apprehends arrest in C.R. No. 29/2024, registered with Wadvani Police Station, Dist. Beed, for offences punishable under sections 307, 327, 504, 506 r/w 34 of Indian Penal Code.

2. FIR is lodged by Sadashiv Mote alleging that his field is adjacent to the field of applicant. When informant along with his family was there in the field, applicants came there and quarreled on the ground as to why informant has broke down tree situated on the common *bandh*. It is alleged that applicants started beating informant and snatched 20 gram gold chain.

Bhagyawant Punde

3. Heard learned advocate for applicant and learned APP for State. Perused the investigation papers.

4. Counter FIR is lodged by applicant against Sadashiv Mothe, Shankar Mothe, Shivkanya Mothe and Nilkanth Shinde, which is registered at C.R. No. 28/2024, under sections 307, 279, 337, 338, 323, 504, 506 r/w 34 of IPC. There appears dispute between applicant and informant on account of common *bandh* of agricultural land. Offence is allegedly committed on 10.02.2024 and FIR in question is lodged on 15.02.2024. FIR lodged by applicant is prior in point of time, which is lodged on 13.02.2024. Prima facie, possibility cannot be ruled out that, so as to give counter blast to the FIR lodged by applicant, he is falsely implicated in the present crime.

5. Perusal of investigation papers prima facie do not support allegations made in the FIR. Allegations of snatching gold chain appear to have been made, so as to increase gravity of offence. Applicant has no criminal antecedents. Applicant was granted interim protection and he has co-operated in the investigation. Nothing is to be recovered from applicant. His pre-trial custodial detention is therefore not necessary in the facts of the present case.

Bhagyawant Punde

6. In the result, application is allowed by confirming interim protection granted to applicant by order dated 19th March, 2024.

7. Till filing of charge sheet, applicant shall attend the concerned police station as and when called by investigating officer and shall co-operate in the investigation. Applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]